# MINUTES FOR CITY OF CEDAR PARK

### PLANNING & ZONING COMMISSION

### TUESDAY, JUNE 19, 2012 AT 6:30 P.M.

450 CYPRESS CREEK ROAD, BUILDING FOUR, CEDAR PARK, TEXAS 78613

#### COMMISSION MEMBERS

☐ VACANT, Place 1
☐ THOMAS BALESTIERE, Place 2
☐ MICHAEL DION, Place 3

☑ NICHOLAS KAUFFMAN, Place 5, Vice Chair ☑ LORENA ECHEVERRIA de Misi,
Place 7, Secretary

☑ JON LUX, Place 4 ☑ HOLLY HOGUE, Place 6

- 1. CALL TO ORDER, QUORUM DETERMINTED, MEETING DECLARED OPEN

  Vice Chair Kauffman called the meeting to order at 6:30 P.M. He read the "Chairman's Sheet" explaining the meeting procedures. Commissioner Balestiere arrived at 6:55 P.M. at the end of Item 8A. All other Commissioners were present and a quorum was declared. Place 1 was vacant.
- PLEDGE OF ALLEGIANCE TO THE U.S. AND TEXAS FLAGS
   Vice Chair Kauffman led the audience in the U.S. Pledge of Allegiance and the Texas Pledge.
- 3. MINUTES: Approve Minutes from the Regular Meeting of May 15, 2012
  MOTION: Commissioner Lux moved to approve the Minutes of the Regular Meeting of May 15,
  2012 Minutes as presented. Commissioner Dion seconded the motion. The motion passed
  unanimously, 5-0, one place vacant and one absent.
- 4. CITIZEN COMMUNICATIONS (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Commissioners. Commissioners May Respond With Factual Information.) None.
- CONSENT AGENDA:
  - A. STATUTORY DISAPPROVAL: **NONE**
  - B. SUBDIVISION APPROVALS:
    - 1. Caballo Ranch Section 4 (FP-08-015)

20.032 acres, 65 single family lots, 1 Water quality, PUE and Drainage Easement lot Located on Caballo Ranch Boulevard and Manada Trail

Owner: Caballo Ranch Investments, LP

Staff Resource: Emily Barron

Staff Proposal to P&Z: Approve

2. Parkwest Estates Preliminary Plan (PP-12-001)

27.60 acres, 77 single family lots

Located at 407 West Park Street

Owner: Ryland Group, Inc. Staff Resource: Emily Barron Staff Proposal to P&Z: Approve

3. Cedar Park Town Center Section XII (FP-12-006)

3.003 acres, 19 single family lots, 1 open space lot

Located on East New Hope Drive just east of Enchanted Rock Drive

Owner: Continental Homes of Texas, LP

Staff Resource: Amy Link

Staff Proposal to P&Z: Approve

MOTION: Secretary Echeverria de Misi moved to recommend approval of Consent Agenda Items 5B1 through 5B3 as presented. Commissioner Lux seconded the motion.

MOTION WITHDRAWN by Secretary Echeverria de Misi and withdrawal accepted by Commissioner Lux because a Citizen Comment Card had been completed for Item 5B1. Item 5B1 was pulled from the Consent Agenda. See Item 5B1 below.

MOTION: Secretary Echeverria de Misi moved to recommend approval of Consent Agenda Items 5B2 through 5B3 as presented. Commissioner Lux seconded the motion. The motion passed unanimously, 5-0, one absent and Place 1 vacant.

Item 5.A.1 Caballo Ranch Section 4 (FP-08-015)

Theophil Roland Krienke addressed the Board. His property is next to Caballo Ranch Subdivision. He advised that he is concerned about the drainage problem at Blockhouse Creek. Vice Chair Kauffman asked if he had contacted the Planning or Engineering Departments about his concerns. He advised that he had not. Jeff Guerrero, Engineer for Caballo Ranch Subdivision, advised that the City staff had reviewed the plans. This was the first he had heard of this problem. Senior Planner Emily Barron advised that it would not have come to Planning and Zoning Commission if the engineers had not signed off on the project.

MOTION: Secretary Echeverria de Misi moved to recommend approval of Consent Agenda Item 5B1 as presented. Commissioner Lux seconded the motion. The motion passed unanimously, 5-0, one absent and Place 1 vacant.

- 6. POSTPONEMENTS/WITHDRAWN/PULLED REQUESTS:
  - A. Scottsdale Crossing, Z-12-010 WITHDRAWN
  - B. Parkwest Estates, Z-12-002 PULLED
  - C. CP57, Z-12-008 POSTPONEMENT REQUEST TO JULY 17, 2012 P&Z AGENDA

Senior Planner Emily Barron advised that Item 6A had been withdrawn, Item 6B had been pulled by the applicant, and Item 6C was postponed by the applicant to July 17, 2012. She advised that the applicant for Z-12-009 had requested a postponement to July 17, 2012 after the agenda had been posted. This would postpone the following related to Z-12-009: Items 7C, 8C and 9A.

MOTION: Commissioner Lux recognized that Item 6A was withdrawn, Item 6B was pulled, and moved to postpone Items 6C, 7C, 8C and 9A to July 17, 2012. Commissioner Dion seconded the motion. The motion passed unanimously, 5-0, one absent and Place 1 vacant.

- 7. STAFF REPORTS ACCEPTANCE OF PRELIMINARY REPORTS: In accordance with the statutory requirements of the Texas Local Government Code reflected in Section 211.007, acceptance of preliminary reports for the following applications is recommended.
  - A. Evelyn LP, Z-12-006 (related to item 8A)
  - B. Quest Village, Z-12-007 (related to item 8B)
  - C. 620 Self Storage, Z-12-009 (related to item 8C)

Note: Item 7C was postponed to July 17, 2012. See Item 6.

MOTION: Commissioner Lux moved to accept the Preliminary Reports for Item 7A and 7B as presented by Staff. Commissioner Hogue seconded the motion, and the motion passed unanimously, 5-0, one absent and Place 1 vacant.

- 8. ZONING PUBLIC HEARINGS AND COMMISSION RECOMMENDATIONS:
  - A. Consider a request by Evelyn LP and ET AL to rezone approximately 2.92 acres from Local Retail (LR) to General Office (GO) for property located on S. Lakeline Boulevard near the corner of Old Mill and Lakeline Boulevard. (Z-12-006)

Owner: Evelyn LP and ET AL

Agent: Jennie Braasch, Pohl Partners Staff Resource Person: Emily Barron Staff proposal to P&Z: General Office (GO)

1) Public Hearing

2) P&Z Recommendation to City Council

3) P&Z Adoption of Final Report

Senior Planner Emily Barron made the presentation and was available for questions. The applicant requested rezoning approximately 2.92 acres from Local Retail (LR) to General Office (GO) for property located on South Lakeline Boulevard just north of the intersection of Old Mill Road and Lakeline Boulevard. The applicant's request supports the goals of the comprehensive Plan and is consistent with the Future Land Use Plan (FLUP) as well as the purpose statement of the General Office (GO) district. Staff recommended rezoning this property from Local Retail (LR) to General Office (GO).

Jennie Braasch, representing the land owner, was present. She advised that they want to build an Alzheimer unit that would fit into the residential style. It would be 100% masonry. She advised that they had met with the neighborhood.

A public hearing was held on the above item. There being no public testimony, the public hearing was closed and the regular session reopened.

MOTION: Commissioner Lux moved to recommend approval to the City Council of rezoning approximately 42.92 acres from Local Retail (LR) to General Office (GO) for property located on South Lakeline Boulevard just north of the intersection of Old Mill Road and Lakeline Boulevard (Z-12-006) as recommended by staff. Secretary Echeverria de Misi seconded the motion and the motion passed unanimously, 5-0, one absent and Place 1 vacant.

MOTION: Secretary Echeverria de Misi moved to accept the Preliminary Report with the Commission's recommendation as the Final Report for Item 8A, Case Z-12-006. Commissioner Lux seconded the motion and the motion passed unanimously, 5-0, one absent and Place 1 vacant.

B. Consider a request by LADA One to rezone approximately 3.639 acres from General Retail (GR) to General Office (GO) for property located on the south side of E. Whitestone Boulevard just east of the intersection of E. Whitestone Boulevard and Discovery Boulevard. (Z-12-007)

Owner: LADA One

Agent: Shelly Mitchell, Pape-Dawson Staff Resource Person: Emily Barron Staff proposal to P&Z: General Office (GO)

1) Public Hearing

- 2) P&Z Recommendation to City Council
- 3) P&Z Adoption of Final Report

Senior Planner Emily Barron made the presentation and was available for questions. The applicant requested rezoning approximately 3.639 acres from General Retail (GR) to General Office (GO) for property located on the south side of East Whitestone Boulevard just east of

Discovery Boulevard. The applicant's request supports the goals of the Comprehensive Plan and is consistent with the Future Land Use Plan (FLUP) as well as the purpose statement of the General Office (GO) district. Staff recommended rezoning this property from General Retail (GR) to General Office (GO). The applicant was available for questions.

A public hearing was held on the above item. There being no public testimony, the public hearing was closed and the regular session reopened.

MOTION: Commissioner Lux moved to recommend approval to the City Council of rezoning approximately 3.639 acres from General Retail (GR) to General Office (GO) for property located on the south side of East Whitestone Boulevard just east of Discovery Boulevard (Z-12-007) as recommended by staff. Commissioner Dion seconded the motion and the motion passed unanimously, 6-0, with Place 1 vacant.

MOTION: Commissioner Lux moved to accept the Preliminary Report with the Commission's recommendation as the Final Report for Item 8B, Case Z-12-007. Commissioner Balestiere seconded the motion and the motion passed unanimously, 6-0, with Place 1 vacant.

C. Consider a request by CWT & C LT to rezone approximately 4.09 acres from General Retail (GR) to Commercial Services (CS) for property located north of 12342 Ranch Road 620 North. (Z-12-009)

Owner: CWT & C LT

Agent: Daniel Hart, Baker-Aicklen Staff Resource Person: Amy Link

Staff proposal to P&Z: General Retail (GR)

- 1) Public Hearing
- 2) P&Z Recommendation to City Council
- 3) P&Z Adoption of Final Report

Note: Item 8C was postponed to July 17, 2012. See Item 6.

- 9. **FUTURE LAND USE PLAN AMENDMENTS:** 
  - Property surrounding 12342 Ranch Road 620

Note: Item 9A was postponed to July 17, 2012. See Item 6.

- SUBDIVISIONS (ACTION AND PUBLIC HEARING): 10.
  - Resubdivision of Lot 1 Lakeline Riviera Subdivision

4.907 acres, 2 commercial lots

Located at northwest corner of US Highway 183/Bell Boulevard and Lakeline Boulevard

Owner: Lakeline Market, Ltd. Staff Resource: Emily Barron

Staff Proposal to P&Z: Approve

- 1) Public Hearing
- 2) P&Z Action

Senior Planner Emily Barron made the presentation and was available for questions. She advised that Staff had reviewed the plat and it met all state and local requirements. Staff recommended approval of the plat. The applicant was present to answer questions.

A public hearing was held on the above item. There being no public testimony, the public hearing was closed and the regular session reopened.

MOTION: Secretary Echeverria de Misi moved to recommend approval of Item 10A, Case SFP-12-002, as presented by Staff. Commissioner Lux seconded the motion and the motion passed unanimously, 6-0, with Place 1 vacant.

## 11. CONDITIONAL USE SITE DEVELOPMENT (ACTION AND PUBLIC HEARING):

A. Lakeline Sports (SDC-12-00001)

2.836 acres, 1 commercial lot

Located at 920 Old Mill Road

Owner: Caspita Industries, Inc.

Staff Resource: Amy Link

Staff Proposal to P&Z: Approve

- 1) Public Hearing
- 2) P&Z Action

Senior Planner Amy Link made the presentation. The applicant requested a conditional use permit for Lakeline Sports, a 23,100 square foot indoor sports and recreation facility located at 920 Old Mill Road. It is zoned Local Retail-Conditional Overlay (LR-CO). Indoor sports and recreation is a conditional use in the LR zoning district.

In order to approve a conditional use permit, the Planning and Zoning Commission must find that the use does not: 1) Unduly negatively affect an adjoining site more than would a permitted use in the base district; 2) Unduly negatively affect the safety or convenience of vehicular or pedestrian circulation; and 3) Unduly negatively affect an adjacent property or traffic control through the location, lighting or type of sign. Staff determined the following for the 1st criteria: zoning limits building height to thirty-five feet and free standing light poles to twenty feet; building setbacks exceed zoning requirements; and all staff comments had been addressed. Staff determined the following for the 2<sup>nd</sup> criteria: five foot sidewalk extended across Old Mill frontage; provided more parking than required; and driveway aligns with opposing driveway, reducing conflicts. Staff determined the following for the 3rd criteria: berm or monument sign only - eight foot maximum height; minimum twelve foot setback from right-of-way; and sign lighting shall be ground lights or lights attached to the bottom of the sign, focused upward directly on the sign. Based upon the information provided, staff believed the conditional use site development plan as proposed does not negatively affect adjoining tracts, safety and convenience of vehicular or pedestrian circulation, or property or traffic control. Staff recommended approval of the conditional use permit for an indoor sports and recreation facility located at 920 Old Mill Road as presented. The applicant was available for questions.

There was general discussion among the Commissioners concerning the hours of operation and outdoor seating. Aaron Pesek, agent for the applicant, advised the Commissioners that the facility would be open on weekends and up to 7:00 P.M. on weekdays. Aaron Pesek also advised that there would be no outdoor seating.

A public hearing was held on the above item. There being no public testimony, the public hearing was closed and the regular session reopened.

MOTION: Commissioner Lux moved to recommend approval of the conditional use permit for an indoor sports and recreation facility located at 920 Old Mill Road as presented. Commissioner Hogue seconded the motion. The motion passed unanimously, 6-0, with Place 1 vacant.

12. DISCUSSION AND POSSIBLE ACTION ITEMS: None.

#### 13. ADMINISTRATIVE ITEMS:

(Commissioners and staff may discuss items related to the Commission's general duties and responsibilities. The Commission may not take a vote.)

A. Report on City Council Actions Pertaining to Zoning Matters from May 24, 2012 and June 14, 2012

Rawls Howard provided an update on the status of zoning cases that went to City Council.

- B. Director and Staff Comments July agenda will include a presentation on spot zoning Rawls Howard stated that there were no new zoning applications for July. The postponed items will be on the next agenda. He advised that he provided an update to the 4B Board (Community Development Corporation) on the redevelopment plan progress and the Comprehensive Plan process. The City Council Joint Meeting with Planning and Zoning Commission will focus on redevelopment.
- C. Commissioners Comments. None.
- D. Request for Future Agenda Items.

  Vice Chair Kauffman requested a strategic plan review.
- E. Designate Delegate to Attend Next Council Meetings on June 28, 2012 and July 12, 2012 Commissioner Lux stated that he would the June 28<sup>th</sup> meeting. Commissioner Dion stated that he would attend the July 12<sup>th</sup> meeting.
- 14. ADJOURNMENT Vice Chair Kauffman adjourned the meeting at 7:29 p.m.

PASSED AND APPROVED THE 17TH DAY OF JULY, 2012.

NICHOLAS KAUFFMAN, ViceÆhairmar

ATTEST:

LORENA ECHEVERRIA/DE MISI, Secretary